

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 08/06/2012
POSITION: Neutral

BILL NUMBER: AB 2284
AUTHOR: Chesbro, Wesley

BILL SUMMARY: Preventing and Mitigating Marijuana Cultivation

Existing law establishes fines and penalties for a violation of specified provisions of the Fish and Game Code.

This bill would impose additional penalties for specified Fish and Game Code violations related to marijuana cultivation on lands within the respective jurisdiction of the Department of Parks and Recreation, the Department of Fish and Game, the Department of Forestry and Fire Protection, the State Lands Commission, a regional park district, the United States Forest Service, or the Bureau of Land Management. This bill would also authorize a peace officer, as described in Chapter 4.5 of Title 3 of Part 2 of the Penal Code, to stop and inspect any vehicle transporting agricultural irrigation supplies that are in plain view on a rock or unpaved road on such lands, upon reasonable belief the supplies would be used for marijuana cultivation. Those provisions would only be implemented in a county where the Board of Supervisors adopts a resolution authorizing the implementation of the bill.

FISCAL SUMMARY

The bill would result in additional fine revenues of an unknown amount to state or federal agencies to reimburse them for the costs of investigation and clean up or abatement of marijuana cultivation. Fine revenues would be distributed to district/city attorneys for their investigation and prosecution costs, and to investigative agencies for their investigation and cleanup and abatement costs. In addition, local jurisdictions, where applicable, would be directed to use cleanup and abatement funds collected to address coho salmon habitat and recovery.

The California Highway Patrol indicates that the fiscal impact would be minimal and absorbable for implementing the proposal into its annual law training.

This bill should not result in a reimbursable state mandate because county sheriffs would only implement the bill if the local Board of Supervisors adopts a resolution authorizing implementation of the bill.

COMMENTS

We are neutral on this bill because it would allow local agencies, if their Board of Supervisors authorizes them to implement it, to address the problem of illegal marijuana cultivation on public lands.

Existing law makes certain violations of the Fish and Game Code (such as depositing specified pollutants in state waters and substantially diverting or obstructing the natural flow, or altering the bed, channel or bank, of a stream without a Department of Fish and Game permit) a misdemeanor, subject to fines and penalties. This bill would impose additional penalties for violations relating to streambed alteration, water pollution, or refuse disposal in waters, in connection with marijuana cultivation in a state park, state or federal forest, or timberland. This bill would also allocate the penalty revenue among a county District Attorney's office, the lead investigating agency, and the lead cleanup agency to reimburse their costs for

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BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)

AUTHOR

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COMMENTS (continued)

investigating and prosecuting the violations and cleanup of the sites. Additionally, where applicable, this bill would allow local jurisdictions to utilize a portion of the cleanup and abatement funds collected to address coho salmon habitat and recovery.

	SO	(Fiscal Impact by Fiscal Year)							
Code/Department	LA	(Dollars in Thousands)							
Agency or Revenue	CO	PROP					Fund		
Type	RV	98	FC	2012-2013	FC	2013-2014	FC	2014-2015	Code
1646/Fines & Forf	RV	No	-----	Unknown revenue from increased fines			-----		0494
<u>Fund Code</u>	<u>Title</u>								
0494	Other - Unallocated Special Funds								